IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

PATRICK BRUCE GORDON,

Petitioner,

vs.

DANIEL VASQUEZ, et al.,

Respondents.

No. CIV S-91-0882-LKK PAN

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ORDER

Petitioner, a state prisoner, has filed this application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

On October 19, 1994, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties

that any objections to the findings and recommendations were to be filed within ten days. On October 31, 1994, respondents filed objections to the findings and recommendations. On November 8, 1994, petitioner filed a response to respondents' objections.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 305, this court has conducted a de novo review of this case. Having carefully reviewed the entire file, the court finds the findings and recommendations to be supported by the record and by proper analysis.

Accordingly, IT IS HEREBY ORDERED that:

1. The Findings and Recommendations filed October 19, 1994, are adopted in full;

2. Respondent's motion to vacate the order filed June 27, 1993, is denied;

3. Respondent's motion to stay the order filed July 25, 1994, is denied;

4. The amended petition filed October 23, 1992, is stricken without prejudice to refiling;

5. The Order filed May 4, 1993, staying this proceeding is vacated;

6. The order filed May 5, 1993, staying this proceeding is vacated to allow petitioner's counsel to present a new request for discovery or § 848(q) investigation funds within 30 days;

7. Having been allowed reasonable opportunity to investigate facts supporting federal claims, petitioner is allowed reasonable time to amend his petition;

8. If review of an amended petition alleging facts that, if proved, would entitle petitioner to relief, petitioner be allowed the opportunity to present such claims to the California court for consideration; and

9. This court thereafter promptly proceed to resolve federal claims properly put before it.

DATED: November 10, 1994.

UNITED STATES DISTRICT JUDGE